

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

United States of America

v.

BORNWAKIM PILGRIM,

Defendant.

Protective Order

20 Cr. 394

Upon the application of the United States of America, Audrey Strauss, Acting United States Attorney for the Southern District of New York, by and through Samuel L. Raymond and Courtney Heavey, Assistant United States Attorneys, of counsel, for an order providing additional protections to a subset of disclosure material that has been classified as “Attorneys’ Eyes Only,” (the “Attorneys’ Eyes Only Disclosure Material”), made on consent of defense counsel, and defendant having requested discovery under Fed. R. Crim. P. 16, the Court hereby finds and orders as follows:

1. Attorneys’ Eyes Only Disclosure Material. The Government will make disclosure to the defendant of certain recordings, pursuant to Federal Rule of Criminal Procedure 16, and the Government’s general obligation to produce exculpatory and impeachment material in criminal cases, which will be referred to herein as “Attorneys’ Eyes Only Disclosure Material.” The Government’s Attorneys’ Eyes Only Disclosure Material includes information that identifies, or could lead to the identification of, witnesses who may be subject to intimidation or obstruction, and whose lives, persons, and property, as well as the lives, persons and property of loved ones, will be subject to risk of harm absent the protective considerations set forth herein.

2. Facilitation of Discovery. The entry of a protective order in this case will permit the Government to produce expeditiously the Attorneys’ Eyes Only Disclosure Material without

further litigation or the need for redaction. It will also afford the defense prompt access to those materials, which will facilitate the preparation of the defense.

3. Good Cause. There is good cause for entry of the protective order set forth herein.

ACCORDINGLY, IT IS HEREBY ORDERED that the Government may designate certain materials as Attorneys' Eyes Only Disclosure Material at the time these materials are produced. The Government's designation of material as Attorneys' Eyes Only Disclosure Material will be controlling absent contrary order of the Court.

IT IS FURTHER ORDERED that the Attorneys' Eyes Only Disclosure Material shall be used by Defense Counsel and anyone else who lawfully possesses the Attorneys' Eyes Only Disclosure Material pursuant to this Order, solely for purposes of defending this case.

IT IS FURTHER ORDERED that the Attorneys' Eyes Only Disclosure Material shall be maintained in a safe and secure manner solely by Defense Counsel. Attorneys' Eyes Only Disclosure Material, including any copies thereof or excerpts therefrom, or any information contained therein, shall not be possessed by or disclosed to the Defendant, but may be disclosed by Defense Counsel only to (a) any paralegal, investigator, or legal assistant employed or contracted by Defense Counsel ("Defense Staff"); (b) any expert, advisor, or any other individual retained or employed by the Defendant and Defense Counsel for the purpose of assisting in the defense of this case ("Defense Experts/Advisors"); or (c) such other persons as hereafter may be authorized by Order of the Court ("Other Authorized Persons," and, collectively with Defense Staff, Defense Experts/Advisors, and Other Authorized Persons, "Designated Persons"). Defense Counsel shall provide a copy of this Order to any Designated Persons to whom they disclose Attorneys' Eyes Only Disclosure Material. Designated Persons shall be subject to the terms of this Order.

IT IS FURTHER ORDERED that Defense Counsel, Defense Staff, Defense Experts/Advisors, and Other Authorized Persons are precluded, unless authorized by the Government in writing or by Order of the Court, from filing publicly as an attachment to a filing or excerpted within a filing, any of the Attorneys' Eyes Only Disclosure Material or information contained in the Attorneys' Eyes Only Disclosure Material. Any filings that incorporate the Attorneys' Eyes Only Disclosure Material by attachment, contain any excerpts of Attorneys' Eyes Only Disclosure Material, or incorporate Attorneys' Eyes Only Disclosure Material by reference must be filed under seal. Nothing in this Order precludes Defense Counsel from using the Attorneys' Eyes Only Disclosure Material in judicial proceedings in this case.

IT IS FURTHER ORDERED that the Government may authorize, in writing, disclosure of Attorneys' Eyes Only Disclosure Material beyond that otherwise permitted by this Order without further Order of this Court.

IT IS FURTHER ORDERED that the provisions of this Order shall not terminate at the conclusion of this criminal prosecution, and the Court will retain jurisdiction to enforce this Order following termination of the case.

AGREED AND CONSENTED TO:

AUDREY STRAUSS
Acting United States Attorney

by: Courtney Heavey
SAMUEL L. RAYMOND / COURTNEY HEAVEY
Assistant United States Attorneys

Date: 10/28/20

Samuel Braverman
SAMUEL BRAVERMAN
Counsel for BORNWAKIM PILGRIM

Date: 10/28/20

SO ORDERED:

Dated: White Plains, NY
October 28, 2020

Cathy Seibel
THE HONORABLE CATHY SEIBEL
UNITED STATES DISTRICT JUDGE